

ESTTA Tracking number: **ESTTA616426**

Filing date: **07/18/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206194
Party	Defendant Message Systems, Inc.
Correspondence Address	KIMBERLY S GRIMSLEY OLIVER & GRIMSLEY LLC 502 WASHINGTON AVENUE SUITE 605 TOWSON, MD 21204 UNITED STATES kim@olivergrimsley.com, pamela@olivergrimsley.com, tina@olivergrimsley.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Kimberly S. Grimsley
Filer's e-mail	kim@olivergrimsley.com
Signature	/Kimberly S. Grimsley/
Date	07/18/2014
Attachments	Motion to Extend Time with Consent and Report on Status of Negotiations, MO- MENTUM Opposition.pdf(238516 bytes)

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CGI Federal, Inc.	:	Opposition No. 91206194
	:	
Opposer,	:	Application No. 77/718258
	:	
vs.	:	Mark: MOMENTUM
	:	
Message Systems, Inc.,	:	
	:	
Applicant.	:	
	:	
<hr/>		X
Commissioner for Trademarks		
Attn: Trademark Trial and Appeal Board		
P.O. Box 1451		
Alexandria, VA 22313-1451		

Applicant, Message Systems, Inc., by its attorneys, hereby moves this Honorable Board to extend the dates for initial disclosures, extend the discovery period and testimony for 30 days in the above-captioned proceeding as follows and with consent of Opposer, and in support states as follows:

- | | |
|-------------------------|-----------|
| Initial Disclosures Due | 4/25/2014 |
| Expert Disclosures Due | 7/24/2014 |

Discovery Closes	8/24/2014
Plaintiff's Pretrial Disclosures	10/08/2014
Plaintiff's 30-day Trial Period Ends	11/22/2014
Defendant's Pretrial Disclosures	12/06/2014
Defendant's 30-day Trial Period Ends	1/21/2015
Plaintiff's Rebuttal Disclosures	2/05/2015
Plaintiff's 15-day Rebuttal Period Ends	3/05/2015.

3. Since this Honorable Board granted the extension, the parties have continued to negotiate a resolution and have gone through at least four versions of the settlement agreement, and are currently negotiating the most recent version. There was previously a change in counsel for Opposer in this proceeding, Robert W. Zelnick of McDermott Will & Emery, LLP, which was noted in Applicant's Motion of April 1, 2014 and has since been noted in the record. In light of the negotiations, the parties internally agreed to extensions in providing initial disclosures while they are negotiating the settlement agreement.

4. The last version of the settlement agreement was sent on May 5, 2014 by Opposer to Applicant. The parties are nearing a resolution in which both can coexist with a use and registration of their respective marks. The parties have continuously exchanged draft proposals concerning ways to distinguish goods and services and whether there would be any limitations/restrictions in the use of the respective marks with additional words. The parties anticipate resolving the matter shortly, but in the event settlement discussions fall through, they each wish to preserve rights to proceed in case and conduct discovery.

Thus, this motion is submitted in good faith with the consent of Opposer, and without any intent to cause delay or prejudice, but to allow the parties an opportunity to finalize settlement of this proceeding. Applicant therefore requests that this Honorable Board reopen and reset the

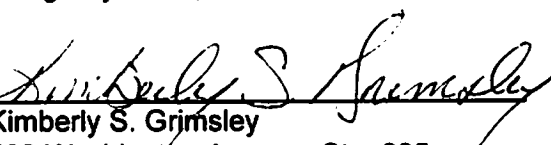
initial disclosures date to August 1, 2014, and that the discovery and trial deadlines be extended by thirty (30) days for good cause shown herein; thus having new dates as follows:

Initial Disclosures Due	8/01/2014
Expert Disclosures Due	8/24/2014
Discovery Closes	9/24/2014
Plaintiff's Pretrial Disclosures	11/08/2014
Plaintiff's 30-day Trial Period Ends	12/22/2014
Defendant's Pretrial Disclosures	1/06/2015
Defendant's 30-day Trial Period Ends	2/21/2015
Plaintiff's Rebuttal Disclosures	3/05/2015
Plaintiff's 15-day Rebuttal Period Ends	4/05/2015.

Dated: July 18, 2014

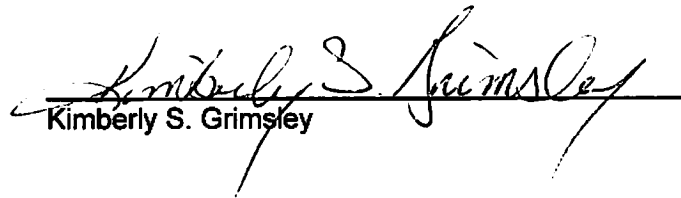
Respectfully submitted,

OLIVER & GRIMSLEY, LLC
Attorney for Applicant,
Message Systems, Inc.

By: 
Kimberly S. Grimsley
502 Washington Avenue, Ste. 605
Towson, MD 21204
(443) 541-5680

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Applicant's MOTION TO EXTEND TIME WITH CONSENT FOR DISCLOSURES, DISCOVERY AND TESTIMONY WITH REPORT ON STATUS OF NEGOTIATIONS was served upon counsel to Opposer, Robert W. Zelnick, McDermott Will & Emery, LLP, 500 N. Capital St., Washington DC 20001, by electronic mail pursuant to agreement at the following e-mail address: rzelnick@mwe.com this 18th day of July 2014.


Kimberly S. Grimsley